

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN

UNITED STATES OF AMERICA,

**Plaintiff,
v.**

**GOVERNMENT OF THE VIRGIN ISLANDS, VIRGIN
ISLANDS PORT AUTHORITY, VIRGIN ISLANDS
WASTE MANAGEMENT AUTHORITY, JOSEPH HODGE,
ZULMA HODGE,**

Defendants.

Civ. No. 10-48

ATTORNEYS:

Myles E. Flynt

Rachel Evans King

Mark Gallagher

United States Department of Justice
Washington, DC

For the plaintiff United States of America,

Mathew C. Phelan

Samuel A. Walker

Ariel Marie Smith-Francois

Pamela R. Tepper

V.I. Department of Justice
St. Thomas, V.I.

John Fehrenbach

Winstron & Strawn LLP
Washington, DC

For the defendant Government of the Virgin Islands,

Don C. Mills

Virgin Islands Port Authority
St. Thomas, V.I.

For the defendant Virgin Islands Port Authority,

Iver A. Stridiron

Virgin Islands Waste Management Authority
Christiansted, V.I.

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Kelvin Lambert Vidale

Frederiksted, V.I.

For the defendant Virgin Islands Waste Management Authority

Henry C. Smock

Kyle R. Waldner

Quintairos, Prieto, Wood & Boyer, P.A.

St. Thomas, V.I.

For the defendants Joseph Hodge and Zulma Hodge

ORDER

The government of the Virgin Islands ("GVI") owns a solid waste landfill in Anguilla, St. Croix (the "Anguilla landfill"). The Anguilla landfill, which was established in 1966, covers 30 acres on St. Croix. The GVI also owns a solid waste landfill in Bovoni, St. Thomas (the "Bovoni landfill"). The Bovoni landfill was established in 1979 and covers 30 acres on St. Thomas. The Virgin Islands Waste Management Authority ("WMA") operates both landfills.

On May 21, 2010, the United States filed a complaint against the owners and operators of the Anguilla and Bovoni landfills.¹ The complaint stated that the GVI failed to comply with the Clean Air Act and the Resource Conservation and Recovery Act.

On March 19, 2012, the United States filed a proposed consent judgment settling all claims involving the Bovoni

¹ An amended complaint was filed on November 22, 2010.

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landfill (the "Bovoni Consent Decree"). On December 21, 2012, the Court approved the Bovoni Consent Decree.

On February 27, 2013, the United States filed a proposed consent judgment settling all claims involving the Anguilla landfill (the "Anguilla Consent Decree"). On March 12, 2013, the Court approved the Anguilla Consent Decree.

The Consent Decrees sets forth various reforms designed to remedy environmental problems at the Bovoni and Anguilla landfills. Since the approval of the consent decrees, some of the problems at the landfills have been corrected. At the same time, many reforms have yet to be implemented.

To ensure that progress towards compliance is measurable and consistent, the Court at a hearing held on, November 17, 2016, directed the parties to provide the Court with regular monthly reports that would assess WMA's efforts towards achieving compliance with the Consent Decrees' requirements.

The premises considered, it is hereby

ORDERED that on the seventeenth day of each month, the parties shall submit to the Court, via the electronic case filing system, a report that details the WMA's progress towards achieving compliance with the decrees' remaining outstanding requirements.